

FILED**MAY 09 2008****MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES) No. 08 CR 374

V.)

Hon. Nan R. Nolan

United States Magistrate Judge

VIKTORIJA MALUKAITE)

)

GOVERNMENT'S UNOPPOSED MOTION FOR LEAVE TO AMEND AFFIDAVIT IN
SUPPORT OF CRIMINAL COMPLAINT TO CORRECT TWO INADVERTENT ERRORS

The UNITED STATES OF AMERICA, by PATRICK J. FITZGERALD, United States Attorney for the Northern District of Illinois, respectfully requests that this Court grant it leave to amend the affidavit of Special Agent Bryan Watson of the Federal Bureau of Investigation, which was submitted to this Court on May 9, 2008, in support of the criminal complaint in the above-captioned matter. The United States seeks correction of the following two clerical errors: (1) the phrase "Chicago Heights" in Paragraph 12 of the affidavit should read "Palos Heights;" and (2) the phrase "United States Secret Service" in the affidavit's signature block should read "Federal Bureau of Investigation." For the Court's convenience, the United States has attached to this motion a copy of Special Agent Watson's affidavit with said errors corrected.

Respectfully submitted,

PATRICK J. FITZGERALD
United States Attorney

By:


 ERIK A. HOGSTROM
 Assistant U.S. Attorney
 219 South Dearborn St., 5th Floor
 Chicago, Illinois 60604
 (312) 353-8709

STATE OF ILLINOIS)
)
COUNTY OF COOK) SS

I, Bryan Watson, being duly sworn depose and state as follows:

1. I am a Special Agent of the Federal Bureau of Investigation ("FBI"), and have been so employed since 2004. My duties include the investigation of various violent crimes, including bank robberies, in violation of Title 18, United States Code, Section 2113 (a).

2. The information contained in this affidavit is based upon personal knowledge from my participation in this investigation, reports I have read related to this investigation, conversations I have had with others who have knowledge of the events and circumstances described herein, and interviews of bank employees and witnesses. The information below is provided for the limited purpose of establishing probable cause that, on or about May 6, 2008, VIKTORIJA MALUKAITE did, by force, violence or intimidation, take from the person and presence of bank employees, approximately \$175,000 in United States Currency belonging to and in the care, custody, control, management, and possession of the TCF Bank branch office located at 6410 W. 127th Street, Palos Heights, Illinois, the deposits of which were then insured by the Federal Deposit Insurance Corporation, in violation of Title 18, United States Code, Section 2113 (a); and Title 18 United States Code, Section 2. This affidavit does not contain all the facts of which I am aware related to this investigation.

3. On May 6, 2008, the FBI received notice that TCF Bank, a financial institution insured by the Federal Deposit Insurance Corporation and located at 6410 W. 127th Street, Palos Heights, Illinois, was robbed by two armed men.

4. Following the robbery, FBI agents and Palos Heights law enforcement officers interviewed two tellers ("Tellers A and B") and a security guard who were present at TCF Bank at the time of the robbery. These witnesses stated that, at approximately 6:30 p.m. on May 6, 2008, two adult males wearing masks and dark clothing (Robbers A and B) entered the bank. Robber A was carrying a long gun, and Robber B was carrying a .38 caliber revolver. Robber B proceeded directly to the security guard's station and forced the guard to lie on the ground. Robber A approached the teller counter, jumped over the counter, and ordered the tellers at gunpoint to take him into the bank's vault. After the tellers led Robber A into the bank's vault, he handed a white plastic bag to Teller A and ordered Teller A to place the money from the vault into the bag. Teller A filled the bag with money from the vault. At this time, Robber A took the bag, which contained United States currency totaling approximately \$175,000. Robber B then ordered the security guard at gunpoint into the vault area. Robbers A and B then instructed the tellers and the security guard to count. The robbers then exited out the front of the bank.

5. FBI agents and Palos Heights law enforcement officers also interviewed a witness who lives near the bank. Witness A stated that, at approximately 6:30 p.m., Witness A saw a young white female sitting in the driver's seat of a red Volkswagen Jetta parked in an alleyway at 126th Street and Ridgeland Ave. Witness A later saw the red Volkswagen Jetta speed off. Witness A took down the Jetta's license plate, which was numbered X516510.

6. An Illinois database query by law enforcement identified that the red Jetta was registered to VICTORIJA MALUKAITE. Based on the database information, law enforcement located MALUKAITE, and the Palos Heights Police Department took her into custody. After police informed MALUKAITE of her *Miranda* rights, MALUKAITE agreed to waive her rights and speak

with law enforcement. FBI agents were present during the interview. MALUKAITE confessed to being involved in the robbery of the TCF bank at 6410 W. 127th Street on May 6, 2008, and implicated two co-conspirators. MALUKAITE identified one of the robbers, Subject A, by photograph and by name. MALUKAITE also identified the other robber by photograph but stated that she did not know his name. MALUKAITE stated that she drove the two robbers, who were armed with a replica rifle and a .38 caliber revolver, to the area of the bank, where she waited for them in an alley. MALUKAITE stated that, following the robbery, the robbers got into her car, and she drove them to a house she understood to be Subject A's residence. Once inside the house, she and the robbers counted the proceeds from the robbery. Although the robbers had previously agreed to pay MALUKAITE \$10,000 for her participation in the robbery, they gave her \$1000 and stated that they would pay her the rest later. MALUKAITE stated that the house was located in the area of 109th and Ridgeland. Following her interview, MALUKAITE led law enforcement to 5908 10th Street, which she identified as the house where she and the robbers counted the robbery proceeds and where Subject A resides.

7. FBI agents conducted further questioning of MALUKAITE and became suspicious that she had not been fully forthcoming with law enforcement. When they communicated their suspicions to her, MALUKAITE admitted that she had not been truthful with law enforcement. MALUKAITE stated that she knew both the robbers and identified Subject A and Subject B by name. In addition to her previous identification of Subject A by photograph, MALUKAITE also positively identified a photograph of Subject B. MALUKAITE stated that following the robbery, she, Subject A, and Subject B did not drive to 5908 10th Street but instead drove to a house located at 8732 Tulley Avenue, Oak Lawn, Illinois, which was Subject B's residence. MALUKAITE stated

that the three of them entered the residence and counted the money in a room in the basement. MALUKAITE stated that the three of them stacked the money in a closet and put the handgun under a mattress and left the rifle, which was a replica, next to a pile of clothes.

8. MALUKAITE stated that after counting the money, the three of them drove to an establishment called "The Pavillion" in Oak Lawn. On the way there, she called her boyfriend, Subject C, and told him about the robbery, and he agreed to meet them at the Pavillion. There, they met up with several other friends, including Subject D, and they bragged about the robbery. The group also spoke about the possibility of using the robbery proceeds to go on a vacation. Subject B and Subject A left the Pavillion with, Subject D.

9. MALUKAITE then related that on May 7, 2008, prior to being arrested, she was at a gas station and encountered Subject B's brother. She asked where Subject B was, and Subject B's brother related to MALUKAITE that Subject B was getting ready to go to Miami. MALUKAITE then called Subject B, and Subject B told MALUKAITE that Subject B, Subject A, and Subject D were going to drive to Miami on a vacation. Subject B told MALUKAITE to come to Miami too and to not bring any bags because he was going to "take care of everything." Subject B told MALUKAITE that he would be driving but that she should just fly. MALUKAITE then arranged for air travel to Miami for herself and her boyfriend, Subject C, who was good friends with Subject B and Subject A. MALUKAITE and Subject C were scheduled to depart for Miami on May 8, 2008. MALUKAITE provided the FBI with their flight itinerary, and FBI agents stationed at O'Hare Airport detained Subject C, along with two other individuals, Subject E and Subject F, who MALUKAITE identified as being present at the Pavillion the night before.

10. On May 8, 2008, at 4:33 p.m. FBI agents surveilling the residence at 8732 Tulley Avenue, Oak Lawn, Illinois, observed a green Mercedes bearing license plate X420590 depart this residence with one adult female and one adolescent female inside. An Illinois database query revealed that this vehicle is registered to an individual with the same name as Subject B.

11. Based on the information uncovered to this point, FBI agents sought and received from this Court a warrant to search the residence at 8732 Tulley. Agents executed the search warrant at the residence at approximately 8:45 p.m. on May 8, 2008. Agents recovered approximately \$15,000 in United States currency in various concealed location throughout the house, including in the bedroom of Subject B's sister, who told agents that she had no knowledge of how the money came to be in her room. Some of the currency was wrapped in straps dated May 6, 2008, that are consistent with bank straps used by TCF Bank. Agents also recovered approximately 5 rounds of .38 caliber ammunition under a mattress in the basement, which appeared to be consistent with the weapon the TCF Bank security guard and MALUKAITE reported that one of the robbers was carrying.

12. Based on the above information, I believe there is probable cause to believe that VIKTORIJA MALUKAITE did, by force, violence or intimidation, take from the person and presence of bank employees, approximately \$175,000 in United States Currency belonging to and in the care, custody, control, management, and possession of the TCF Bank branch office located at 6410 W. 127th Street, Palos Heights, Illinois, the deposits of which were then insured by the Federal Deposit Insurance Corporation, in violation of Title 18, United States Code, Section 2113 (a); and Title 18 United States Code, Section 2.

FURTHER AFFIANT SAYETH NOT.

Bryan Watson
Special Agent
Federal Bureau of Investigation

SUBSCRIBED AND SWORN TO BEFORE ME
This 9th day of May 2008

NAN R. NOLAN
United States Magistrate Judge